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| APPLICATION NO.        | FILING DATE  | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |  |
|------------------------|--|----------------------|-------------------------|------------------|--|
| 09/803,607             | 03/09/2001   | Alex Davidkhanian    | AD-9                    | 8160             |  |
| 27157 75               | 90 03/11/2003  |                      |                         |                  |  |
| GREENWALD & BASCH, LLP |  |                      | EXAMINER                |                  |  |
|                        | 349 WEST COMMERCIAL STREET, SUITE 2490<br>EAST ROCHESTER, NY 14445 |                      |                         | KASTLER, SCOTT R |  |
|                        |  |                      | ART UNIT                | PAPER NUMBER     |  |
|                        |  |                      | 1742                    |                  |  |
|                        |  |                      | DATE MAILED: 03/11/2003 | 9                |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| · A   | Application No.  | Applicant(s)  |  |  |  |
|---|--|---|--|--|--|
| •   | 09/803,607   | DAVIDKHANIAN ET AL.   |  |  |  |
| Office Action Summary   | Examiner   | Art Unit  |  |  |  |
|   | Scott Kastler  | 1742  |  |  |  |
| The MAILING DATE of this communication ap<br>Period for Reply   | p ars on the cover sheet with t  | he correspondence address   |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPL<br>THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repleted for reply specified above, the maximum statutory period.  - Failure to reply within the set or extended period for reply will, by staturent or the communication of the communication of the communication of the period for reply will, by staturent or the communication of the communication of the communication of the period for reply will, by staturent or the communication of the communication of the communication of the period for reply will be statured to the communication of the period for reply will be statured to the communication of the period for reply will be statured to the period for reply within the second for reply will be statured to the period for reply within the second for reply will be statured to the period for reply will be statured t | 136(a). In no event, however, may a reply oly within the statutory minimum of thirty (30 will apply and will expire SIX (6) MONTHS te, cause the application to become ABANE | be timely filed  ) days will be considered timely. from the mailing date of this communication. ONED (35 U.S.C. § 133). |  |  |  |
| 1) Responsive to communication(s) filed on  | ·  |   |  |  |  |
| 2a)☐ This action is <b>FINAL</b> . 2b)☐ T   | his action is non-final.   |   |  |  |  |
| 3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  |  |   |  |  |  |
| 4)⊠ Claim(s) <u>1-20</u> is/are pending in the application  | n.   |   |  |  |  |
| 4a) Of the above claim(s) is/are withdrawn from consideration.  |  |   |  |  |  |
| 5) Claim(s) is/are allowed.   |  |   |  |  |  |
| 6) Claim(s) is/are rejected.  |  |   |  |  |  |
| 7) Claim(s) is/are objected to.   |  |   |  |  |  |
| 8) Claim(s) <u>1-20</u> are subject to restriction and/or election requirement.   |  |   |  |  |  |
| Application Papers  |  |   |  |  |  |
| 9) The specification is objected to by the Examin   | er.  |   |  |  |  |
| 10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.   |  |   |  |  |  |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   |  |   |  |  |  |
| 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  |  |   |  |  |  |
| If approved, corrected drawings are required in re  | · ·  |   |  |  |  |
| 12) The oath or declaration is objected to by the E   | xamıner.   |   |  |  |  |
| Priority under 35 U.S.C. §§ 119 and 120   |  |   |  |  |  |
| 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).   |  |   |  |  |  |
| a) ☐ All b) ☐ Some * c) ☐ None of:  |  |   |  |  |  |
| 1. Certified copies of the priority documents have been received.   |  |   |  |  |  |
| 2. Certified copies of the priority documents have been received in Application No  |  |   |  |  |  |
| 3. Copies of the certified copies of the pri-<br>application from the International B<br>* See the attached detailed Office action for a lis  | ureau (PCT Rule 17.2(a)).  | _   |  |  |  |
| 14) ☐ Acknowledgment is made of a claim for domes   | tic priority under 35 U.S.C. § 1   | 19(e) (to a provisional application).   |  |  |  |
| a) ☐,The translation of the foreign language po<br>15)☐ Acknowledgment is made of a claim for domes   | • •  |   |  |  |  |
| Attachment(s)   |  |   |  |  |  |
| 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)   | 5) D Notice of Infor   | nmary (PTO-413) Paper No(s)<br>mal Patent Application (PTO-152)   |  |  |  |
| U.S. Patent and Trademark Office PTO-326 (Rev. 04-01) Office A  | Action Summary   | Part of Paper No. 4   |  |  |  |

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## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to a method of determining disturbances during molten metal teeming by detecting vibrations, classified in class 222, subclass 590.
- II. Claims 9-20, drawn to a method of detecting slag in molten metal employing video images, classified in class 266, subclass 44.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as use in molten metal pouring operations independently of invention II. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Hammond on 3-7-2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (703) 308-2506. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (703) 308-3050. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number in (703) 308-0651.

Scott Kastler Primary Examiner Art Unit 1742

sk March 10, 2003